REMARKS

Before this amendment, this application had claims 1-45 cancelled and claims 46-65 pending. In the outstanding Office Action, claims 46-65 were rejected. After this amendment, claims 1-45 remain cancelled, and claims 51-53 are newly cancelled, claims 46-50 and 54-65 are still pending, and new claims 66-68 are presented.

In the outstanding Office Action, claims 52 and 53 were rejected under 35 USC 112 as being indefinite. Since this amendment added new claims which caused the total amount of claims to exceed 20, applicant is deleting claims 51-53, in order that that total amount of claims does not exceed 20. Thus, this ground of rejection has become moot.

In the outstanding Office Action, claims 46, 47, 58 and 62 were rejected under 35 USC 102(b) as being anticipated by Gouschy et al (US 6545661).

Applicant notes that the "priority document" for this case, as evidenced by PAIR, is applicant's US Patent Application Serial Number 10/733731, which just issued March 2009 as USP 7510477. Thus, the USSN 10/733731 application (and consequently its prosecution history) are already of record in this case. Accordingly, it is Applicants' belief that an IDS is not required in order to make of record in an application a document that is already of record, by virtue of that document being the priority document for the instant application.

The above is brought to the attention of the Examiner, since the claims 1-45 in this application were initially the same as the claims 1-45 as originally filed in the parent application. In the preliminary amendment in this application, the independent apparatus claim 46 was created by combining the original apparatus claims 1 and 2, and a similar combination was made for creating method claim 62. In order to not exceed the allowed 20 claims, other of the original claims were deleted.

Thus, the claims in Applicant's priority case and this case have always been very closely related. Accordingly, it is not so surprising that the present Examiner, Mr. Henry, has had the same problem understanding a basic and fundamental difference between a control system for a video game that uses a "light gun" controller, versus one that does "motion sensing" of the controller housing.

Basically, games designed for control by a light gun such as provided by Gouschy et al, are games where the Point Of View (POV) of the character (avatar) is "pre-programmed" by the game, and the motion sensor in the light gun of Gouschy et al, is only used to control "movement" within that fixed/pre-programmed POV.

Thus, in Examiner Henry's 35 USC 102 rejection of claims 46 and 62, reliance is placed on col. 1, lns 57-64 and col 2, lns 58-59 to show how vertical and horizontal tilt of the controller is processed to provide POV changes of the avatar, yet, when these passages are reviewed with a fresh eye, it is noticed that Gouschy et al does not say that his accelerometer controls POV, but "movement" (see col 1, ln 64 and col 3, ln 3.)

As has always been claimed in this case, the tilt of the housing causes the generation of signals representative of changes in POV in the video game virtual environment, **and** operation of the game play unit controls the generation of signals representative of changes in latitudinal and longitudinal position of the avatar in the video game virtual environment. Thus, the "combined effect" of the above two controls is a "unified" representation of changes of the point of view of the avatar in the video game virtual environment. Grouschy et al does not show or suggest creating such a unified POV.

It is believed that Gouschy et al is somewhat confusing to its readers, since he describes three alternative modes of what the controller does with the accelerometer signals. I show them below as (1), (2), (3). Then, at the end of the patent, Gouschy says that the controller can be used to play Area 51 and Magnum Force**,** and below that, he talks about use of a "switch or button 17" which allows the use of the accelerometer signals for **one of either** aiming/pointing or moving (See Col 7, lns 52-54 "In this embodiment, the player uses a switch (or button) 17 to toggle between

shooting mode and movement mode, as illustrated in FIG. 3). NOTE: **Grouchy never says that he can do both at the same time**.

I think what Gouschy et al means for the "move and shoot mode, (See col 7, lns 64-67 where he says: "Move-and-shoot mode allows the player to navigate a character through the game environment while being able to shoot targets at the same time. Thus, both the accelerometer and the light sensor are activated in this mode.", is that you can control "movement" and "shooting", **but only within a pre-programmed POV provided by "the game environment",** since without any other "control signal" how would the game know the THREE things it needs to know in order to play the game:

1: what is the **POV** of "the game environment",
2: what is the **movement** in that POV of "the game environment", and
3: what is the **aim/shoot info** for a given/fixed POV of "the game environment". Clearly, the "move and shoot" mode only works within a pre-programmed POV.

Thus, in reply to the current Office Action, applicant hereby amends the independent claims so as to substantially correspond to the claims in our issued USP 7510477 (by deleting the limitations relating to the "control device having a shape similar to a firearm, said shape comprising, …"). These claims clearly overcome the cited prior art, not only in this case, but in the priority case as well. Please see **NOTE 1** below, which is of record in the priority document, as part of the last submission by Applicant to the Office before the Notice of Allowance.

In order to avoid a double patenting rejection due to the similarity of the claims, a change has been made to each of the independent claims which affords Applicant with a scope of coverage that is consistent with his contribution to the art. More specifically, Applicant notes that Figure 3 shows an embodiment of the invention where a portion of the motion sensing device is "external" to the housing. That is, a linkage/arm 32 relays movements of the housing (due to connection to the barrel 36) to the coordinate control unit 12, which is external to the housing, where the x and y sensors 30 and 31 are located. Thus, Applicant teaches that the entire motion sensor is not required to inside the housing, although portions of the housing, such as barrel 36, are portions of the motion sensor, due to the housing be coupled to the coordinate control unit 12 via linkage 32.

Accordingly, independent claims 46 and 62 are amended so as to retain the "shape limitations", and new claims 66 and 68 are presented which substantially correspond to the apparatus and method claims 1 and 18 in our issued USP 7510477, but new claims 66 and 68 also include an amendment as compared with claims 1 and 18 of our issued USP 7510477, as more clearly shown in **NOTE 2** below, which clarifies that the motion sensing device is not required to be completely included within the housing.

In view of the similarity of the already issued claims and the presently amended claims, it is believed that a Notice of Allowance should be immediately forthcoming. If such is not the case, Applicant asks for a personal interview with the Examiner (as was provided in Applicant's priority application), during which the novel and non-obvious effect of the claimed elements can be witnessed firsthand.

It is noted that all of the 35 USC 103 rejections in the outstanding Office Action are of the dependent claims, and as such can not stand in view of the patentability of the new and amended claims 65/47 and 68/62, from which they depend.

Additionally, a small change is made to claim 56 to correct a minor antecedent basis issue.

If any issues remain, and in particular if a Personal Interview would be helpful in order to more quickly obtain a Notice of Allowance, Examiner Henry is asked to contact the attorney noted below.

Respectfully submitted,

/Lawrence C. Edelman/

Lawrence C. Edelman, Reg. No. 29,299
3 Buffalo Run
East Brunswick, NJ 08816-4003
Office: 732 251-3809 Cell: 732 771-3775

NOTE 1

Examiner Ross Williams and Supervisor Primary Examiner John Hotaling are thanked for the courtesy of a personal interview on October 27, 2008 during which applicant and his undersigned attorney presented to the examiners a live demonstration of the operation of a video game controller constructed in accordance with the claimed arrangement. Arguments were also presented to the examiners concerning the differences between the cited prior art and the invention as currently claimed. The noted differences from the prior art centered on applicants claim language relating to how the user of the controller controls the display of a point of view.

After the demonstration, and again looking at the claims, Examiner Hotaling immediately understood that the cited Gouschy reference, being a "light gun" controller, is not at all related to a controller for controlling point of view of a display, let alone control of the point of view of a display in a manner as recited in each of applicants independent claims.

Examiner's Williams and Hotaling both agreed that the claims were allowable over the references of record, and in fact, Examiner Hotaling said that in all his years examining this art area, he has never seen anything like applicants claimed invention.

NOTE 2

Changes to Issued Claim 1 of US Patent 7,510,477, to make this new Claim 65.

65. (Newly added) A control device for operation by a user for controlling a display of a computer system for use with a video game, the control device comprising:

a housing having a shape adapted to be handled by a user of a video game;

a coordinate control unit including a motion sensing arrangement which is associated with the housing, for sensing motion of ~~or included within~~ said housing, said coordinate control unit ~~housing being adapted to be handled by the user for~~ generating input information related to a vertical and a horizontal tilt of the ~~control device~~ housing in response to said housing being handled by the user;

a game play control unit included within said housing adapted to be handled by the user for generating game play input information; and

a controller adapted to process the input information from the coordinate control unit to provide to the computer system changes in point of view information of an avatar in a video game virtual environment, and adapted to process said input information from the game play control unit to provide to the computer system game play information representative of at least changes in

latitudinal and longitudinal position of the avatar in the video game virtual environment, thereby creating a unified representation of changes of the point of view of the avatar within the video game virtual environment, which unified representation encompasses both horizontal and vertical changes of the avatar's point of view within the video game virtual environment in response to handling by the user of the control device while not within the video game virtual environment, as well as latitudinal and longitudinal changes of the avatar's position as expressed within the point of view of the video game virtual environment, in response to handling by the user of the game play control unit while not within the video game virtual environment .

Changes to Issued Claim 18 of US Patent 7,510,477, to make this new Claim 68.

68 . A method for allowing a user to control a video game display of a computer system, comprising:

providing a video game control device with a housing having a shape adapted to be handled by a user of a video game;

generating ~~within the housing~~ information from a motion sensor which is ~~included within~~ associated with a coordinate control unit portion of the video game control device, said information being related to a vertical and a horizontal tilt of the housing of the video game control device in response to said housing being handled by the user, and being representative of point of view information of an avatar in a displayed video game virtual environment;

generating within the housing information from a game play control unit portion of the video game control device, said information being representative of at least changes in latitudinal and longitudinal position of the avatar in the displayed video game virtual environment; and

providing game information for controlling the video game virtual environment display of the computer system based on information generated by the coordinate control unit and providing game information for controlling the video game virtual environment display of the computer system based on information generated by the game play control unit , thereby creating a unified representation of changes of the point of view of the avatar within the video game virtual environment, which unified representation encompasses both horizontal and vertical changes of the avatar's point of view within the video game virtual environment in response to handling by the user of the housing of the control device while not within the video game virtual environment, as well as latitudinal and longitudinal changes of the avatar's position as expressed within the point of view of the video game virtual environment, in response to handling by the user of the game play control unit while not within the video game virtual environment.